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These two authors give the reader opposite extremes of the question. The true solution we believe will be found in the golden mean.

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BARON S. A. KORFF, LL.D.

Corporations and the State. By THEODORE E. BURTON. (New York: D. Appleton and Company, 1911. Pp. xvi, 248.)

This volume contains the author's lectures at the University of Pennsylvania in 1910 on the George Lieb Harrison Foundation, together with a chapter on the recent decisions of the Supreme Court in the Standard Oil and American Tobacco Trust cases. The appendices contain extracts from Chief Justice White's opinion in the above cases, Justice Harlan's dissenting opinion, the Sherman Antitrust Act, and the Aldrich plan for Monetary Legislation.

The bulk of the work is devoted to a discussion of the origin, growth, and functions of the corporation, its importance under modern conditions and its intimate relation to the state and the public welfare. In the sixth chapter the writer passes judgment upon various plans for the control of corporations. His general attitude is well illustrated by the following language: "Thus far public regulation has given undue attention to the prevention of agreements in restraint of trade, which limit competition or production, while neglecting to provide adequate means for the punishment of palpably dishonest and illegal practices, such as the misappropriation of assets by corporate officers, the issue of fraudulent or watered stock, the declaration of unearned dividends, and the adoption of oppressive and unfair methods to destroy competition." (p. 128). While admitting that competition between natural monopolies is harmful, the writer urges that certain forms of competition between other corporations is still essential. The control of prices of manufactured goods is declared to be impracticable, the cost being governed by continually fluctuating factors. Criminal punishment for officers of offending corporations is urged, while full publicity is declared to be the most effective force in the control of corporations. This will be best secured through a voluntary, national incorporation act.

The fourth chapter is concerned wholly with banking corporations and the discussion of our monetary system. In the chapter on the Standard Oil and Tobacco Trust decisions, the writer supports the position of the court and reconciles its decision with the Trans-Missouri

Freight case, which has caused such popular confusion. This position is not made as clear as its importance deserves. In the Trans-Missouri case, the question was as to the legality of an agreement to fix rates. The "rule of reason" there urged upon the court, and properly rejected by them, was that the rates so fixed were reasonable and therefore the agreement was valid. But at the common law any agreement of fix rates, however reasonable the rate, was void, and therefore in holding the agreement to be void, the court affirmed the rule of the common law, although its language was certainly ambiguous and misleading. Exactly the same result was reached in the later cases. The "rule of reason" there adopted was to the effect that motive and intent were among the determining factors in interpreting the phrase "restraint of trade," a proposition amply justified by the established usages of the common law. In other words both cases construed "restraint of trade" in accordance with its common law usage and are in accord. The only conflict is in the dicta of the decisions and is due to the ambiguous use of the phrases "rule of reason" and "restraint of trade." The author argues very convincingly that the decisions instead of emasculating the law, have made it more workable and its meaning more definite.

On the whole the volume contains a timely discussion of the question, not ignoring its historical aspects, and embodying some of the best thought upon the subject.

ARNOLD B. HALL.

Problems in Railway Regulation. By HENRY S. HAINES.

(New York: The Macmillan Company, 1911. Pp.582)

Of the writers upon railroads but few have in combination the qualifications given by administrative experience and philosophic grasp. Among the foremost of these is General Haines, who was vice-president and general manager of a prominent southern railway system; Commissioner Southern States Freight Association; President, American Railway Association, and who, during the well-earned leisure of recent years, has lectured before students on transportation in eastern universities. The present volume is the fourth from his pen to treat of railway questions of current and general interest. It contains a comprehensive survey of the conditions that attended the introduction of railways, the reckless encouragement to their construction, their rapid extension after the Civil War, the reconstruction succeeding the